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SERVICE DATE - OCTOBER 22, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 222X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
MERCER COUNTY, WV, AND TAZEWELL COUNTY, VA

Decided: October 21, 2003

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 1.9-mile line of railroad between milepost PO-0.0 at Bluestone, Mercer County, WV, and milepost PO-1.90 at Pocahontas, Tazewell County, VA. Notice of the exemption was served and published in the Federal Register on September 24, 2003 (68 FR 55297). The exemption is scheduled to become effective on October 24, 2003.

The Board's Section of Environmental Analysis (SEA) issued an environmental assessment (EA) in this proceeding that was served on September 30, 2003. In the EA, SEA noted that the U.S. Fish and Wildlife Service - Gloucester, VA office (USFWS-Gloucester) has stated that, if land disturbing activities occur as a result of the abandonment, it recommends the implementation of strict erosion control measures to protect Federally-listed mussels that are known to reside in streams that are adjacent to the subject rail line. SEA therefore recommended that the following condition be imposed on the grant of abandonment authority: if NSR revises its abandonment plans to include salvaging activities, NSR shall consult with USFWS-Gloucester to determine what sediment and erosion control measures should be implemented during salvaging activities, and NSR shall report the results of any USFWS-Gloucester consultations to SEA.

Comments to the EA were due by October 14, 2003. No comments were received by the due date. Accordingly, the environmental condition recommended by SEA in the EA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the condition that, if NSR revises its abandonment plans to include salvaging activities, NSR shall consult with the USFWS-Gloucester to determine what sediment and erosion control measures should be implemented during salvaging activities, and NSR shall report the results of any USFWS-Gloucester consultations to SEA.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary